

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

X

JOHN PILGRAM,

Plaintiff,

-against-

OPINION AND ORDER
04-CV-2804 (SJF) (MLO)

COUNTY OF SUFFOLK, SUFFOLK COUNTY POLICE
DEPARTMENT, POLICE OFFICERS JOHN DOE # 1
THROUGH JOHN DOE # 5,

Defendants.

X

FEUERSTEIN, J.

On July 6, 2004, plaintiff John Pilgram (“Plaintiff”) commenced this action pursuant to 42 U.S.C. § 1983 alleging violations of his civil rights. The case was referred to Magistrate Judge Michael O. Orenstein for all pretrial matters. On February 20, 2007, Magistrate Judge Orenstein issued a Report and Recommendation (the “Report”) recommending that the complaint be dismissed pursuant Fed. R. Civ. P. 37(b)(2)(C) for Plaintiff’s failure to comply with his court’s discovery orders. No objections to the Report have been filed. For the reasons stated below, the Court adopts Magistrate Judge Orenstein’s Report in its entirety.

Rule 72 of the Federal Rules of Civil Procedure permits magistrate judges to conduct proceedings on dispositive pretrial matters without the consent of the parties. Fed. R. Civ. P. 72(b). The district judge is not required to review the factual or legal conclusions of the magistrate judge as to which no objections are taken. See Alenski v. Potter, No. 03-CV-2179, 2005 WL 1309043, at *1 (E.D.N.Y. May 18, 2005) (citing Townsend v. Strack, No. 98-CV-

5338, 2002 WL 32096572, at*1 (E.D.N.Y. May 7, 2002)). To accept the report and recommendation of a magistrate judge to which no timely objection has been made, the district judge need only be satisfied that there is no clear error on the face of the record. Fed. R. Civ. P. 72(b); In re Health Management Systems, Inc. Securities Litigation, 82 F. Supp. 2d 227, 230 (S.D.N.Y. 2000); Nelson v. Smith, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985). Whether or not proper objections have been filed, the district judge may, after review, accept, reject, or modify any of the magistrate judge's findings or recommendations. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b).

Plaintiff has not filed any objections to Magistrate Judge Orenstein's Report. Upon review, the Court is satisfied that the Report is not facially erroneous. Accordingly, the Court ACCEPTS AND ADOPTS Magistrate Judge Orenstein's Report as an Order of the Court. The action is dismissed. The Clerk of the Court is directed to close the case.

IT IS SO ORDERED.

S/sjf
Sandra J. Feuerstein
United States District Judge

Dated: March 15, 2007
Central Islip, New York